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Attorney for Defendant, City of Toppenish

**UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF WASHINGTON**

CONFEDERATED TRIBES  
AND BANDS OF THE  
YAKAMA NATION, a  
sovereign federally recognized  
Indian Tribe,

Plaintiff,

v.

CITY OF TOPPENISH, a municipal  
Corporation of the State of  
Washington,

Defendant.

**No. 1:24-CV-3189-MKD**

**ANSWER OF THE  
DEFENDANT, CITY OF  
TOPPENISH, TO THE  
YAKAMA NATION'S  
COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

The Defendant, City of Toppenish, submits the following as its Answer to the Complaint of the Plaintiff, Yakama Nation for Declaratory and Injunctive Relief:

**ANSWER OF THE DEFENDANT, CITY OF  
TOPPENISH, TO THE YAKAMA NATION'S  
COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF - Page 1**

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1 In Answer to Paragraph 1.1 of the Complaint, much of this paragraph calls  
2 for neither admission nor denial, but to the extent it calls for a response, the  
3 Defendant denies the same.  
4

5 In Answer to Paragraph 1.2 of the Complaint, much of this paragraph calls  
6 for neither admission nor denial, but to the extent it calls for a response, the  
7 Defendant denies the same.  
8

9 In Answer to Paragraph 1.3 of the Complaint, much of this paragraph calls  
10 for neither admission nor denial, but to the extent it calls for a response, the  
11 Defendant denies the same.  
12

13 In Answer to Paragraph 1.4 of the Complaint, the Defendant denies the  
14 same.

15 In Answer to Paragraph 1.5 of the Complaint, the Defendant denies the  
16 same.  
17

18 In Answer to Paragraph 2.1 of the Complaint, much of this paragraph calls  
19 for neither admission nor denial, but to the extent it calls for a response, the  
20 Defendant denies the same.  
21

22 In Answer to Paragraph 2.2 of the Complaint, the Defendant admits that this  
23 Court has the authority to grant declaratory and injunctive relief, but to the extent  
24

1 that this paragraph describes the specific relief sought, the Defendant denies the  
2 same.

3 In Answer to Paragraph 2.3 of the Complaint, the Defendant admits the  
4 same.  
5

6 In Answer to Paragraph 3.1 of the Complaint, much of this paragraph calls  
7 for neither admission nor denial, but to the extent it calls for a response, the  
8 Defendant denies the same.  
9

10 In Answer to Paragraph 4.1 of the Complaint, the Defendant admits the  
11 same.  
12

13 In Answer to Paragraph 5.1 of the Complaint, the Defendant admits that the  
14 Plaintiff is a federally recognized Native Nation with inherent sovereign and  
15 Treaty rights, but to the extent this paragraph could be seen as defining those  
16 rights, the Defendant denies the same.  
17

18 In Answer to Paragraph 5.2 of the Complaint, the Defendant admits that the  
19 Plaintiff has civil authority that can, under certain circumstances, be applied to  
20 non-Indians, but to the extent this paragraph could be seen as defining those rights,  
21 the Defendant denies the same.  
22

1 In Answer to Paragraph 5.3 of the Complaint, the Defendant is without  
2 sufficient information to form an opinion as to the truth or veracity thereof, and  
3 therefore denies the same.  
4

5 In Answer to Paragraph 5.4 of the Complaint, much of this paragraph calls  
6 for neither admission nor denial, but to the extent it calls for a response, the  
7 Defendant denies the same.  
8

9 In Answer to Paragraph 5.5 of the Complaint, much of this paragraph calls  
10 for neither admission nor denial, but to the extent it calls for a response, the  
11 Defendant denies the same.  
12

13 In Answer to Paragraph 5.6 of the Complaint, the Defendant is without  
14 sufficient information to form an opinion as to the truth or veracity thereof, and  
15 therefore denies the same.  
16

17 In Answer to Paragraph 5.7 of the Complaint, the Defendant is without  
18 sufficient information to form an opinion as to the truth or veracity thereof, and  
19 therefore denies the same.  
20

21 In Answer to Paragraph 5.8 of the Complaint, the Defendant is without  
22 sufficient information to form an opinion as to the truth or veracity thereof, and  
23 therefore denies the same.  
24

1 In Answer to Paragraph 5.9 of the Complaint, the Defendant is without  
2 sufficient information to form an opinion as to the truth or veracity thereof, and  
3 therefore denies the same.  
4

5 In Answer to Paragraph 5.10 of the Complaint, the Defendant will admit that  
6 there were communications between the Defendant and the Plaintiff but does not  
7 agree with some or all of the characterization of much of this communication, and  
8 therefore denies the same.  
9

10 In Answer to Paragraph 5.11 of the Complaint, the Defendant will admit that  
11 there were communications between the Defendant and the Plaintiff, but does not  
12 agree with some or all of the characterization of much of this communication, and  
13 therefore denies the same.  
14

15 In Answer to Paragraph 5.12 of the Complaint, Defendant will admit that  
16 there were communications between the Defendant and the Plaintiff but does not  
17 agree with some or all of the characterization of much of this communication, and  
18 therefore denies the same.  
19

20 In Answer to Paragraph 5.13 of the Complaint, Defendant will admit that  
21 there were communications between the Defendant and the Plaintiff but does not  
22

1 agree with some or all of the characterization of much of this communication, and  
2 therefore denies the same.

3 In Answer to Paragraph 5.14 of the Complaint, the Defendant is without  
4 sufficient information to form an opinion as to the truth or veracity thereof, and  
5 therefore denies the same.

6 In Answer to Paragraph 5.15 of the Complaint, the Defendant denies the  
7 same.

8 In Answer to Paragraph 5.16 of the Complaint, the Defendant is without  
9 sufficient information to form an opinion as to the truth or veracity thereof, and  
10 therefore denies the same.

11 In Answer to Paragraph 5.17 of the Complaint, the Defendant admits the  
12 same without admitting or agreeing to the dates reflected therein.

13 In Answer to Paragraph 5.18 of the Complaint, the Defendant admits the  
14 same without admitting or agreeing to the dates reflected therein.

15 In Answer to Paragraph 5.19 of the Complaint, the Defendant is without  
16 sufficient information to form an opinion as to the truth or veracity thereof, and  
17 therefore denies the same.

1 In Answer to Paragraph 5.21 of the Complaint, the Defendant admits the  
2 same without admitting or agreeing to the dates reflected therein.

3  
4 In Answer to Paragraph 5.22 of the Complaint, as to parts, the Defendant is  
5 without sufficient information to form an opinion as to the truth or veracity thereof,  
6 and therefore denies the same. As to other parts, the Defendant disagrees with the  
7 characterization of communication, and therefore denies the same.  
8

9 In Answer to Paragraph 5.23 of the Complaint, the Defendant denies the  
10 same.

11 In Answer to Paragraph 5.24 of the Complaint, the Defendant denies the  
12 same.  
13

14 In Answer to Paragraph 5.25 of the Complaint, the Defendant denies the  
15 same.  
16

17 In Answer to Paragraph 6.1 of the Complaint, the Defendant incorporates  
18 and reasserts all its previous responses by reference.

19 In Answer to Paragraph 6.2 of the Complaint, to the extent that the terms  
20 used therein may mean different things, the Defendant denies the same.  
21  
22  
23  
24

1 In Answer to Paragraph 6.3 of the Complaint, to the extent that this  
2 paragraph uses terms or wording that could be disputed or with which there may be  
3 disagreement, the Defendant denies the same.  
4

5 In Answer to Paragraph 6.4 of the Complaint, to the extent that this  
6 paragraph uses terms or wording that could be disputed or with which there may be  
7 disagreement, the Defendant denies the same.  
8

9 In Answer to Paragraph 6.5 of the Complaint, the Defendant denies the  
10 same.  
11

12 In Answer to Paragraph 6.6 of the Complaint, the Defendant denies the  
13 same.  
14

15 Wherefore, the Defendant respectfully requests that the relief sought by the  
16 Plaintiff be denied, and that the Defendant be awarded its reasonable attorneys fees  
17 and costs.

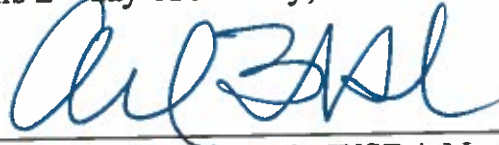
18 **Affirmative Defenses**

19 The Defendant respectfully submits the following as its Affirmative  
20 Defenses:  
21

- 22 1. Failure to state a claim for which relief can be granted.  
23  
24  
25



1 Respectfully submitted this 2<sup>nd</sup> day of January, 2025.

2 

3 s/DANIEL B. HEID, WSBA No. 8217  
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25 ANSWER OF THE DEFENDANT, CITY OF  
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27 COMPLAINT FOR DECLARATORY AND  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 2, 2025, I electronically served the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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